

POST-SWANCC CASELAW ON “WATERS OF THE UNITED STATES” (Updated as of January 21, 2003)

Circuit Court Decisions

- **Headwaters, Inc. v. Talent Irrigation District**, 243 F.3d 526 (9th Cir. March 12, 2001)
- **Rice v. Harken Exploration Co.**, 250 F.3d 264 (5th Cir. April 25, 2001), reh’g (en banc) denied, 263 F.3d 167 (June 14, 2001)
- **United States v. Interstate General Co.**, No. 01-4513, 2002 WL 1421411 (4th Cir. July 2, 2002) (unpublished)
- **United States v. Krilich**, No. 01-2746, 2002 WL 31007698 (7th Cir. Sept. 9, 2002), petition for cert. filed, 71 USLW 3429 (U.S. Dec. 9, 2002) (02-915)
- **Community Association for Restoration of the Environment v. Henry Bosma Dairy**, 305 F.2d 943 (9th Cir. Sept. 16, 2002)

Cases on Appeal

- **United States v. Newdunn**, 195 F. Supp. 2d 751 (E.D. Va. April 3, 2002), appeal pending, 4th Cir. Nos. 02-1480, 02-1594 (oral argument scheduled for Feb. 25, 2003)
- **United States v. Rapanos**, 190 F. Supp. 2d 1011 (E.D. Mich. Feb. 21, 2002), appeal pending, 6th Cir. No. 02-1377
- **United States v. Deaton** (D. Md. No. MJG-95-2140, Jan. 29, 2002), appeal pending, 4th Cir. No. 02-1442 (argued Dec. 5, 2002)
- **In re: Needham** No. 99-50242 (Bankr. W.D. La., July 30, 2001), aff’d, **United States v. Needham**, 01-1897, 2002 WL 1162790 (W.D. La., Jan. 22, 2002), appeal pending, 5th Cir. No. 02-30217 (oral argument scheduled for week of March 10, 2003)
- **United States v. Rueth Development Co.**, 189 F. Supp. 2d 874 (N.D. Ind. Sept. 25, 2001, order vacated in part, February 21, 2002), appeal pending, 7th Cir. No. 02-2045
- **United States v. Phillips**, appeal pending, 9th Cir. Nos. 02-30035, 02-30046 (oral argument scheduled for February 13, 2003)
- **United States v. RGM Corp.**, 222 F. Supp. 2d 780 (E.D. Va. July 26, 2002), appeal pending, 4th Cir. No. 02-2093 (stayed pending decision in Newdunn)

Significant Decisions of the District Courts (Not Presently on Appeal)

- **Aiello v. Town of Brookhaven**, 136 F. Supp. 2d 81 (E.D.N.Y. March 15, 2001)
- **United States v. Buday**, 138 F. Supp. 2d 1282 (D. Mont. April 11, 2001)
- **Idaho Rural Council v. Bosma**, 143 F. Supp. 2d 1169 (D. Idaho June 4, 2001)
- **Colvin v. United States**, 181 F. Supp. 2d 1050 (C.D. Cal. Dec. 28, 2001)
- **United States v. Lamplight Equestrian Center**, No. 00-6486 2002 WL 360652 (N.D. Ill. March 8, 2002)
- **California Sportfishing Protection Alliance v. Diablo Grande, Inc.**, 209 F. Supp. 2d 1059 (E.D. Cal. March 21, 2002)
- **United States v. Adam Bros. Farming, Inc.**, No. CV 00-7409 CAS (C.D. Cal. July 12, 2002)
- **United States v. The New Portland Meadows, Inc.**, No. 00-507-AS (D. Or. Sept. 9, 2002)
- **FD & P Enterprises, Inc. v. United States Army Corps of Engineers**, No. 99-3500 HAA (D.N.J. Jan. 15, 2003)